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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/927,567	08/09/2001	Dean F. Carson	VT0276-US2	7073
24473	7590	04/05/2005	EXAMINER	
STEVEN M MITCHELL PACESETTER INC 701 EAST EVELYN AVENUE SUNNYVALE, CA 94086			NGUYEN, HA T	
			ART UNIT	PAPER NUMBER
			2812	

DATE MAILED: 04/05/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/927,567

Applicant(s)

CARSON, DEAN F.

Examiner

Ha T. Nguyen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 26-42 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 26,27,31,32,34-37 and 39-42 is/are rejected.
- 7) ☒ Claim(s) 28-30,33 and 38 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 09 August 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>08-09-01</u> . | 6) <input type="checkbox"/> Other: ____ |

DETAILED ACTION

1. The preliminary amendments filed 08-09-01, 08-09-04, and 03-31-05 are acknowledged.

Claim Rejections - 35 USC '§ 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 26-27, 35-37 and 42 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lessar et al. (USPN 6006133, hereinafter "Lessar") in view of Pless et al. (USPN 5131388, hereinafter "Pless").

Referring to Figs. 9-10, 19-20 and related text, Lessar discloses [Re claim 26] a method of manufacturing an electrolytic capacitor comprising the steps: forming a polymeric housing 90 defining a chamber and having an opening providing access to the chamber; stacking a plurality of flat conductive layers to generate a stack; inserting the stack into the chamber; extending an electrically conductive feedthrough 120, 125 from the stack to a position outside of the chamber; and sealing the opening about the feedthrough (See col. 33, line 56-col. 37, line 56). But it fails to disclose expressly extending an electrically conductive feedthrough by way of the opening. However, the missing limitation is well known in the art because Pless discloses this feature (See Figs. 2, 3). A person of ordinary skill is motivated to modify Lessar with Pless to obtain a capacitor of suitable shape conforming to a designated space.

[Re claim 27] Pless also disclose wherein the step of sealing includes thermally affixing together portions of the housing with the feedthrough trapped therebetween; and [Re claim 12] wherein the step of sealing comprises welding opposite sides of the housing together along a single line (see col. 3, lines 25-29 and Fig. 2).

[Re claims 35-36] Lessar also discloses inserting the stack into the housing by way of the opening (see Fig. 9). But it does not disclose expressly wherein the housing is formed of polyethylene. However, it discloses polymeric materials usable for the wire guide including polyethylene (see col. 35, lines 3-37). It would have been obvious for an ordinary artisan to use polymeric materials of high density to form the housing to reduce material requirements and to obtain better mechanical strength.

[Re claim 42] Lessar also discloses wherein sealing includes a first sealing operation in which an aperture to the chamber is maintained, and including the steps of filling the chamber with electrolyte by way of the aperture, and sealing the aperture (see col. 41, line 9-col. 43, line 40).

Therefore, it would have been obvious to combine Lessar with Pless to obtain the invention as specified in claims 26-27, 35-37 and 42.

4. Claims 31-32, 34, and 39-42 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lessar in view of Pless, as applied above, and further in view of Methlie (USPN 3615857).

The combined teaching of Lessar and Pless discloses substantially the limitations of claims 31-32, 34, and 39-42, as shown above.

But it fails to disclose expressly [Re claim 31] providing a sleeve about the feedthrough, wherein the sleeve material is different from the conducive feedthrough material; [Re claim 32] wherein the sleeve has an elongated cross section; and [Re claim 39] wherein the step of sealing includes connecting a header to the housing to enclose the opening.

However, the missing limitation is well known in the art because Methlie discloses these features (See Fig. , # 10, 12). In the case the lead has the shape of a ribbon, the cross section of the sleeve is elongated. In the combined teaching the process [Re claim 40] including capturing the feedthrough between the housing and the header. Besides, [Re claim 41] the examiner takes Official Notice that a vent is commonly used to reduce pressure inside the capacitor, the location of the vent varies with the design including a vent element into the opening, to reduce the capacitor size and to more conveniently locate the capacitor in the instrument.

A person of ordinary skill is motivated to modify Lessar and Pless with to obtain better insulation and mechanical strength.

Therefore, it would have been obvious to combine Lessar and Pless with to obtain the invention as specified in claims 31-32, 34, and 39-42.

Allowable Subject Matter

5. Claims 28-30, 33, and 38 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claims 28-30, 33, and 38 recite "forming the housing includes vacuum forming the housing", "forming the housing includes heating a sheet of polymeric material, and conforming it to a tool", "wherein the sleeve cross section terminates at acute vertexes, such that the housing material may readily seal about the sleeve without voids", or "sealing includes generating and maintaining compression of the feedthrough to provide a fluid seal".

These features in combination with the other elements of the claim is neither disclosed nor suggested by the prior art of record.

Conclusion

6. The prior art relevant to the disclosure of this application and not being used in the rejections.

USPN 2863994 to Kohring for teaching the use of a pliant bag as housing.

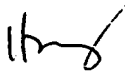
7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ha T. Nguyen whose telephone number is (571) 272-1678. The examiner can normally be reached on Monday-Friday from 8:30AM to 6:00PM, except the first Friday of each bi-week. The telephone number for Wednesday is (703) 560-0528.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael S. Lebentritt, can be reached on (571) 272-1873. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished

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applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Ha Nguyen

Primary Examiner

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